APPENDIX

OPINION OF THE COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

No. 27—September Term, 1966.

(Argued September 29, 1966 Decided October 3, 1966.)

Docket No. 29272

BEN CUTLER, DAN TERRY, RALPH FLANAGAN, MARTY LEVITT, VIC ASH, CLAUDE GARREAU (d/b/a ALLEN MERRITT) and ANGIE BOND, *et al.*, *Plaintiffs-Appellants*,

v.

AMERICAN FEDERATION OF MUSICIANS OF THE UNITED STATES AND CANADA and ASSOCIATED MUSICIANS OF GREATER NEW YORK LOCAL 802, *Defendants-Appellees.*

Before: LUMBARD, *Chief Judge*, FRIENDLY and KAUFMAN, *Circuit Judges.*

Appeal from an order of the United States District Court for the Southern District of New York, Richard H. Levet, *J.*, denying plaintiffs' application for payment of counsel fees.

Affirmed.

PER CURIAM:

We affirm the order of the District Court for the Southern District of New York, which denied plaintiffs' application for payment of counsel fees of approximately $400,000 by the defendant unions, substantially for the reasons set forth in Judge Levet's opinion, reported at 231 F. Supp. 845.

JUDGMENT

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals, in and for the Second Circuit, held at the United States Courthouse in the City of New York, on the third day of October one thousand nine hundred and sixty-six.

Present: HON J. EDWARD LUMBARD, *Chief Judge*, HON. HENRY J. FRIENDLY, HON. IRVING R. KAUFMAN, *Circuit Judges.*

BEN CUTLER, DAN TERRY, RALPH FLANAGAN, MARTY LEVITT, VIC ASH, CLAUDE GARREAU (d/b/a ALLEN MERRITT) and ANGIE BOND, *et al., Plaintiffs-Appellants,*

v.

AMERICAN FEDERATION OF MUSICIANS OF THE UNITED STATES AND CANADA and ASSOCIATED MUSICIANS OF GREATER NEW YORK LOCAL 802, *Defendants-Appellees.*

Appeal from the United States District Court for the Southern District of New York.

This cause came on to be heard on the transcript of record from the United States District Court for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is now hereby ordered, adjudged, and decreed that the order of said District Court be and it hereby is affirmed with costs to the appellees.

A. DANIEL FUSARO
Clerk

ORDERS DENYING REHEARING

[Caption Omitted]

Petition for Rehearing

Kalman I. Nulman, New York, N. Y.,
for plaintiffs-appellants.

Petition denied.

J.E.L.
H.J.F.
I.R.K.
U.S.C.JJ.

[Caption Omitted]

Petition for Rehearing in Banc

Kalman I. Nulman, New York, N. Y.,
for plaintiffs-appellants.

No active circuit judge having requested that a vote be taken on the suggestion that the case be reheard in banc, the same stands denied.

J. EDWARD LUMBARD
Chief Judge

25 November 1966